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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,173	06/14/2001	William Kress Bodin	AUS920010583US1	8004
34533	7590	08/26/2004	EXAMINER	
IBM CORP (BLF) c/o BIGGERS & OHANIAN, LLP 504 LAVACA STREET, SUITE 970 AUSTIN, TX 78701-2856			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,173	Applicant(s) BODIN ET AL.	
	Examiner Haresh Patel	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) # | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-33 are presented for examination.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 09/882174. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 12, 23 are similar to claim 1 of copending Application No. 09/882174. The limitation "assigning director authority in a system that streams digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors" is equivalent to the use of content information, transcoding gateway for providing director instructions to stream digital content, and the use of email containing digital content. The

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limitations of dependent claims 1-11, 13-22, 24-33, are similar to claims 2-22 of copending Application No. 09/882174.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-15 of copending Application No. 09/881919. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 12, 23 are similar to claim 10 of copending Application No. 09/881919. The limitation "assigning director authority in a system that streams digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors" is equivalent to the use of a content server through which digital content is transcoded into streams of multimedia data, the streams communicated via network to client devices, use of the digital content for streaming, use of remote director instructions comprising hyperlinked URLs invoked through a network-capable device. The limitations of dependent claims 1-11, 13-22, 24-33, are similar to claims 11-15 of copending Application No. 09/881919.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending

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Application No. 09/881917. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 12, 23 are similar to claim 1 of copending Application No. 09/881917. The limitation "assigning director authority in a system that streams digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors" is equivalent to the use of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices, use of network of digital computers comprising a content server. The limitations of dependent claims 1-11, 13-22, 24-33, are similar to claims 2-20 of copending Application No. 09/881917.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 09/881915. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of independent claims 1, 12, 23 are similar to claim 1 of copending Application No. 09/881915. The limitation "assigning director authority in a system that streams digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors" is equivalent to the use of remote direction of streaming digital content from a multiplicity of sources of digital information to a multiplicity of client devices upon a network of digital computers comprising a content server receiving digital content from the sources and the digital

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content having a multiplicity of digital formats. The limitations of dependent claims 1-11, 13-22, 24-33, are similar to claims 2-12 of copending Application No. 09/881915.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The present title is not sufficient for proper classification of the claimed subject matter.

The following title is suggested: "Director authorized to control and transcode servlets of content server to stream digital content over network".

7. The disclosure is objected. Some of the informalities are:

- i. The "BRIEF SUMMARY OF THE INVENTION" section should contain brief description of the disclosed subject matter rather repetitive claimed language of the claims.
- ii. Unless the invention is created from scratch, applicant needs to provide all the prior arts that have led to the invention, i.e., existing patents and publications related to the claimed subject matter. In response, applicant is requested to provide the title, citation and copy of each publication related to the claimed subject matter. For each publication, please provide a concise explanation of that publication's contribution to the description of the prior art.

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Appropriate correction is required.

Drawings

8. New formal drawings are required in this application because submitted drawings are informal (hand drawn). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

9. Claim 29 is objected to because of the following informalities:

Claim 29 mentions that "The computer program product of claim 12", which is incorrect.

Examiner considers it as "The computer program product of claim 23", for examine purpose.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 1, 12, 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not

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described in the specification in such a way as to reasonably convey to one skilled in the relevant art too use and/or make the invention.

The specification does not contain subject matter containing any software or hardware to implement limitations “system that streams digital content from sources of digital information”, “director having director attributes”, “director instructions of a store”, as cited in claims 1, 12, 23. As per line 23, col., 12 of the specification, “digital content” can be just “text”. For one skilled in the art, “director attributes” can be hardware items and “director instructions” can be manual instructions or database data processing means or steps for organizing or inter-relating data or files (e.g., relational, network, hierarchical, and entity-relationship models), or data processing means or steps for generic data, file and directory upkeep, file naming, and file and database maintenance including integrity consideration, recovery, and versioning.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-33, are rejected under 35 U.S.C. 102(e) as being anticipated by Bridgman et al.

US 2002/0087655 A1 Jul. 4, 2002. (Hereinafter Bridgman).

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13. As per claims 1, 12 and 23, Bridgman teaches a method, a system and a computer program product to implement assigning director authority in a system (e.g., 120 of figure 1, paragraphs 13 and 14, col., 1) that streams digital content from a multiplicity of sources (e.g., 10, paragraphs 13 and 14, col., 1) of digital information to a multiplicity of client devices under control of a multiplicity of directors (e.g., 120 of figure 1, paragraphs 13 and 14, col., 1), implemented in conjunction with a network of digital computers (e.g., 100 of figure 1, paragraphs 13 and 14, col., 1), at least one of the digital computers comprising a content server (e.g., 110 of figure 1, paragraphs 13 and 14, col., 1) upon which the steps of the method are implemented in computer memory and upon at least one computer processor (e.g., 110 of figure 1, paragraphs 13 and 14, col., 1), each director having director attributes (e.g., transcoding attributes, 120 of figure 4, paragraphs 13 and 14, col., 1), the content server including a store of director instruction records wherein each director instruction record represents one director instruction (e.g., 120 of figure 4, paragraphs 13 and 14, col., 1), comprising as follows:

extracting for a director, in dependence upon the director's attributes (e.g., paragraph 58, col., 4),

director instructions from the store of director instruction records (e.g., paragraph 62, col., 4); and

downloading the extracted director instructions to the director (e.g., paragraph 59, col., 4).

14. As per claims 2-11, 13-22 and 24-33, Bridgman teaches the following:

logging in a director to the content server (e.g., paragraph 43, col., 3) and determining the director's attributes (e.g., paragraph 52, col., 3), determining the director's attributes further

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comprising reading a store of director records wherein each director record represents one director (e.g., paragraph 52, col., 3), each director record comprising a director identification (e.g., paragraph 43, col., 3),

each director record further comprises a director authority (e.g., paragraph 51, col., 3), one director has administrative director authority (e.g., paragraph 43, col., 3), and administrative director authority includes authority to edit the director instruction records (e.g., paragraph 51, col., 3),

the director attributes include director authority (e.g., paragraph 51, col., 3), editing the director instruction records (e.g., paragraph 52, col., 3), wherein the editing is carried out through a director having administrative director authority (e.g., paragraph 43, col., 3),

the director attributes comprise a director identity (e.g., paragraph 43, col., 3), wherein the director instruction records comprise a director instruction identity (e.g., paragraph 51, col., 3), and wherein extracting director instructions comprises the further steps of: determining a director identity (e.g., paragraph 43, col., 3), and extracting from the store of director instructions director instructions having director instruction identities equal to the director identity (e.g., paragraph 49, col., 3),

the director's attributes comprise a director authority (e.g., paragraph 43, col., 3), wherein the director instruction records comprise a director instruction authority (e.g., paragraph 51, col., 3), and wherein extracting director instructions comprises the further steps of: determining a director authority (e.g., paragraph 43, col., 3), and extracting from the store of director

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instructions director instructions having director instruction authorities equal to the director authority (e.g., paragraph 49, col., 3),

the director instructions comprise URLs and anchors (e.g., paragraphs 24 and 25, page 2), encoding the extracted director instructions into hyperlinks in an HTML document (e.g., e.g., paragraphs 24 and 25, page 2, paragraph 26, page 2),

downloading an HTML document to the director (e.g., Transactions to the Transcoding Domino, figure 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is 703-605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 22, 2004



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